

Deposition of Ashley Hlebinsky

Oregon Firearms Federation, Inc., et al. v. Brown, et al.

January 20, 2023



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Oregon Firearms Federation, Inc., et al. v. Brown, et al.

Ashley Hlebinsky

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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

OREGON FIREARMS FEDERATION,)
INC., et al.,)
) Plaintiffs,) Case Nos.
 vs.)) 2:22-cv-01815-IM
)) 3:22-cv-01859-IM
KATE BROWN, et al.,)) 3:22-cv-01862-IM
)) 3:22-cv-01869-IM
 Defendants.))

MARK FITZ, et al.,)) VIDEO-RECORDED
)) VIDEOCONFERENCE
 Plaintiffs,)) DEPOSITION OF
 vs.)) ASHLEY HLEBINSKY
))
ELLEN F. ROSENBLUM, et al.,))
)) Defendants.) *CAPTION
)) CONTINUES*

KATERINA B. EYRE, et al.,))
)) Plaintiffs,)
))
 vs.))
)) ELLEN F. ROSENBLUM, et al.,))
)) Defendants.)

DATE TAKEN: JANUARY 20, 2023

REPORTED BY: LORRIE R. CHINN, RPR,
Washington Certified Court Reporter No. 1902
Oregon Certified Court Reporter No. 97-0337

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Ex. 6 - Wilson Decl.

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Oregon Firearms Federation, Inc., et al. v. Brown, et al.

Ashley Hlebinsky

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1 DANIEL AZZOPARDI, et al.,)
2 Plaintiffs,)
3 vs.)
4 ELLEN F. ROSENBLUM, et)
al.,)
5 Defendants.)
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7
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9 VIDEO-RECORDED VIDEOCONFERENCE DEPOSITION
10 OF
11 ASHLEY HLEBINSKY

12
13 1:03 p.m.
14 LAS VEGAS, NEVADA

15 (All participants appeared via videoconference.)

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Ashley Hlebinsky

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Ex. 6 - Wilson Decl.

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2 OF ASHLEY HLEBINSKY

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1 Q. Would you agree that in general most
2 historians recognized in the field as such have Ph.D.s?

3 A. Within the field of firearms study --

4 Q. No, within the --

5 A. -- not necessarily.

6 Q. -- field of history?

7 A. Yes, but I don't believe it's the only thing
8 that can allow you to have -- to be considered a
9 historian.

10 Q. Okay. Did you write a dissertation as part of
11 your master's program?

12 A. I did not. The way that University of
13 Delaware operated was they preferred research and
14 writing seminars both years. And so instead we were
15 able to focus on different topics. I studied armed
16 feminism and liberal activism in the 1960s and '70s
17 that involved the use of firearms.

18 Q. So you didn't have to defend a dissertation as
19 part of that process?

20 A. No.

21 Q. Have you authored scholarly articles in
22 peer-reviewed history journals?

23 A. I have written a few articles. I've
24 participated as well in panels that have been
25 published. One was by the Journal of Technology and

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1 A. Sure thing.

2 Q. Could you please describe the methodology that
3 you used in preparing this declaration?

4 A. How exactly do you mean?

5 Q. Whatever sources and methods and principles
6 that you applied in order to reach the conclusions that
7 you arrived at?

8 A. So I took two really specific avenues on that,
9 so I looked at kind of the evolution of the technology
10 was one component of that. And then since it was asked
11 about the laws, I looked into the laws side of it
12 rather than adding, you know, ancillary subject matter
13 on it with cultural context.

14 And then I broke it down generally by section
15 based on the Bruen decision of the Founding Era, second
16 Founding Era. So I tried to take that component, and
17 then I tried to separate it into evolution, just what
18 was there, what wasn't there, and then any laws that I
19 found in my research that may or may not have had
20 anything to do with that particular technology.

21 Q. Okay. Would you agree that proper historical
22 work involves surveying the full array of available
23 sources and evaluating the reliability of those
24 sources?

25 A. I would.

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1 Q. Did you do this in preparing your declaration?

2 A. I read a lot of different research on it, on
3 the various subject matters. But then at the same time
4 I had experience already doing that when I built the
5 Cody Museum and worked in other collections.

6 Q. Did you --

7 A. So it wasn't just for this deposition, but
8 I've worked on a lot of different things.

9 Q. Excuse me. Did you survey the full array of
10 available sources?

11 A. I'm not sure how would categorize the full
12 array.

13 Q. Well, did you exhaust your efforts to find
14 sources to potentially provide illuminating and
15 relevant information about the subject matter?

16 A. Yes. In my research and the amount of time I
17 had, I went to every -- well, and based on my past
18 experience with it, yes, I did everything I could to
19 find what I could; although, timeframes are always
20 tight on these things. But I did look at an array of
21 sources.

22 Q. Did time constraints prevent you from
23 consulting potentially relevant sources that you might
24 otherwise have probed?

25 A. There can always be more information for you

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1 Q. And Duncan is cited in footnote 34?

2 A. Yes.

3 Q. Okay. And that's the district court's
4 decision in Duncan from 2019?

5 A. I believe so, yes.

6 Q. Any other sources that you relied on for that
7 proposition?

8 A. I did see it in -- I believe I saw it also in
9 Johnson, et al., in their section on powder
10 regulations. I believe it's in there as well.

11 Q. And Johnson, et al., you're referring to the
12 citation in footnote 31, which is a law school
13 casebook?

14 A. Correct.

15 Q. Okay. Well, let's take Duncan first. Do
16 historians typically rely on contemporary judicial
17 opinions as sources for understanding historical
18 events?

19 A. I think that's up to the person. A lot of
20 times with that it's coming from experts. So if it was
21 a place where I could find something that was a
22 succinct analysis of it and then I saw the laws on the
23 Duke site, then, yes, I would use it.

24 Q. Okay. It's a secondary source, you agree?

25 A. Correct.

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1 Q. Probably several steps removed from the
2 original source, whatever it's relying on, you would
3 agree?

4 A. Correct.

5 Q. In this case the Duncan decision was reversed
6 by the Court of Appeals. Were you aware of that when
7 you cited it?

8 A. I wasn't aware of all of the different
9 components of it. I know it went through, and then I
10 know it went up, and now it's back down for evaluation.

11 Q. Right. So the fact that that decision was
12 actually vacated or reversed, does that cause you any
13 concern with relying on this as an assertion?

14 A. Not necessarily.

15 Q. Why not?

16 A. Because just because the overarching argument
17 created by one side may have had -- may have been
18 reversed for specific reasons, it doesn't mean that's
19 one of them.

20 Q. Let's go to paragraph 26. This is on the next
21 page, page 19. And you write, "In summary, at the time
22 of the Founding Era, laws about firearms restriction
23 were regularly directed towards groups of people rather
24 than the firearms themselves."

25 Do you see that?

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REPORTER'S CERTIFICATE

2

I, LORRIE R. CHINN, the undersigned Certified Court Reporter, pursuant to RCW 5.28.010 authorized to administer oaths and affirmations in and for the State of Washington, do hereby certify:

5

That the sworn testimony and/or remote proceedings, a transcript of which is attached, was given before me at the time and place stated therein; that any and/or all witness(es) were duly sworn remotely to testify to the truth; that the sworn testimony and/or remote proceedings were by me stenographically recorded and transcribed under my supervision, to the best of my ability; that the foregoing transcript contains a full, true, and accurate record of all the sworn testimony and/or remote proceedings given and occurring at the time and place stated in the transcript; that a review of which was requested; that I am in no way related to any party to the matter, nor to any counsel, nor do I have any financial interest in the event of the cause.

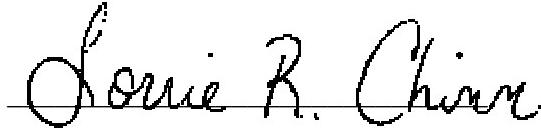
12

Reading and signing was not requested pursuant to FRCP Rule 30(e).

14

WITNESS MY HAND AND DIGITAL SIGNATURE this 26th day of January, 2023.

15




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